

Application No. 09/858,426
Amendment Dated February 1, 2005
Reply to Office Action of January 19, 2005

REMARKS/ARGUMENTS

By this Amendment, Claims 28-34 and Claims 36-39 are canceled. Claim 35 is amended. Thus, Claims 22-27 and 35 are pending in this application.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

According to the Examiner, corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The Examiner further sets forth that any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended and that the figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheets, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency according to the Examiner. Furthermore, additional replacement sheets may be necessary to show the renumbering of the remaining figures and the replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures according to the Examiner. If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance according to the Examiner.

Accordingly, the Applicants have submitted a drawing correction. The drawing correction sets forth new Fig. 10E as described on pages 163 and 166 in the instant application. Additionally, a reference to Fig. 10E has been added to Paragraph [1270]. The introduction of Fig. 10E does not introduce any new matter whatsoever.

According to the Examiner Claims 22-27 are allowed.

The Examiner sets forth that applicant's arguments refer to Examiner's rejection of claims 22-39 and notes that claims 22-39 were newly added claims and have not been examined in the previous Office Action.

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The Examiner sets forth that this application is in condition for allowance except for the following formal matters:

- Claims 28-34, 36-39 are objected to by the Examiner under 37 CFR 1.75 as being a substantial duplicate of claims 22-27. The Examiner believes that claim 28 is a mere duplicate of claim 23, that claim 33 merely differs from claim 22 by a few words in the preamble, that claims 29-32 are mere duplicates of claims 24-27 and that claims 34, 36-39 are mere duplicates of claims 23-27. The Examiner sets forth that when two claims in an application are duplicates or else are so close in content that they both cover the same things, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. The Examiner directs the applicant's attention to MPEP §706.03(k).
- The Examiner sets forth that the drawings are objected to under 37 CFR 1.83(a) and that the drawings must show every feature of the invention specified in the claims. Therefore, the Examiner believes that the access probability of a last-accessed entry, the predetermined probability magnitude must be shown or the feature(s) canceled from the claims. The Examiner sets forth that no new matter should be entered.

The Examiner sets forth that the following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not disclose or make obvious a method of accessing an entry in a list of entries in a computer system by a start pointer that points to one of the entries in the list including statistically determining an access probability that a future access of the list will require a last-accessed entry in the list in order to provide a statistically determined entry and determining whether the access probability has a predetermined probability magnitude and overwriting the start pointer to point to the statistically determined entry so as to make the statistically determined entry the first entry accessed during future access to the list in combination with all the limitations recited in claim 22.

The Examiner also sets forth that Claims 23-27 being further limiting and definite are also allowable and that claim 35 would be allowable if rewritten to depend from claim 22.

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The Examiner sets forth that the prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ware et al (US 5,537,573) teach cache system for prefetching wherein a pointer array is maintained and previous execution history of the processor is taken into consideration in order to prefetch data using pointers.

Claims 23-27 and 35 are dependent from Claim 22. Therefore, for the reasons described above, these claims also allowable.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

February 1, 2005

By Frank Linguiti
Frank M. Linguiti, Esq.
Registration No. 32,424
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

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